

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Regular Meeting  
York Hall, 301 Main Street  
July 9, 2003

**MEMBERS**  
Nicholas F. Barba  
John R. Davis  
Frederick W. Harvell  
Alexander T. Hamilton  
Robert D. Heavner  
Alfred E. Ptasznik, Jr.  
Andrew A. Simasek

**CALL TO ORDER**

County Attorney James Barnett called the regular meeting to order at 7:00 p.m.

**ELECTION OF CHAIR AND VICE CHAIR**

Mr. Barnett opened the floor to nominations for Planning Commission Chair. Mr. Heavner nominated Mr. Simasek. There were no other nominations and Mr. Barnett closed the floor to nominations and called for a roll call vote. Mr. Simasek was elected chair by unanimous vote (7:0).

Chair Simasek then opened the floor to nominations for Vice Chair. Mr. Heavner nominated Mr. Ptasznik. There were no other nominations and Mr. Simasek closed the floor to nominations and called for a roll call vote. Mr. Ptasznik was unanimously elected (7:0).

**WELCOME AND ROLL CALL**

Mr. Simasek welcomed Messrs. Davis and Harvell, recently appointed to the Commission.

The roll was called and the following members were present: Messrs. Heavner, Barba, Ptasznik, Hamilton, Harvell, Davis, and Simasek. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Maggie Hedberg, and Amy Parker.

**REMARKS**

Chair Simasek remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

**APPROVAL OF MINUTES**

Mr. Ptasznik moved to adopt the minutes of the June 11, 2003 regular meeting and they were adopted unanimously.

## **CITIZEN COMMENTS**

There were no citizen comments.

## **PUBLIC HEARINGS**

**Application Nos. ZM-75-03, City of Williamsburg and Heritage Humane Society:** Request to amend the York County Zoning Map by reclassifying approximately 4.2 acres of land located on Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) from RC (Resource Conservation) to RR (Rural Residential). The property is further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4. The Comprehensive Plan designates this area for Conservation.

**Mr. Tim Cross** introduced the applications, remarking that they will be treated as one for the purposes of the public hearing. He summarized the memorandum to the Commission dated June 25, 2003 in which the staff recommended approval of both applications ZM-75-03 and UP-620-03. Mr. Cross corrected information contained in the staff memorandum, noting that the proposed increase in floor area is 195% rather than 95%.

**Mr. Ptasznik** inquired about the separate shelter proposed for animals involved in pending court cases, and Mr. Cross explained it would be a secure fenced area located at the rear of the proposed expansion for animals that need to be kept separate from the others.

**Mr. Davis** commented that a condition might be considered if the application is approved to require the zoning to revert to Resource Conservation should the site cease to be used for an animal shelter. He did not think a property so close to a power line should ever be zoned for residential use.

**Mr. Simasek** opened the combined public hearing for the two applications.

**Sheldon Franck, Esq.**, 104 Exeter Court, attorney representing the Heritage Humane Society, introduced the project engineer, Mr. Steve Wigley, and several members of the Society. Mr. Franck believed the three localities working together with the Heritage Humane Society meet a compelling public need and provide an excellent example of a public/private partnership and regional cooperation. He pointed out that the combination of the shelter's physical condition, age and lack of susceptibility to upgrading combined with state regulations prevents its continued operation unless a new facility is constructed. All efforts to upgrade the current facility have been made but upgrades alone cannot bring it into compliance with new state regulations. The expanded facility should reduce the impact on the environment and neighbors by improving the water quality, reducing noise levels and enhancing the overall appearance of the site, he added. Mr. Franck noted the difficulty of finding suitable locations for animal shelters but believed the present site is ideal.

**Mr. Steve Wigley**, Vanasse Hangen Brustlin, Inc., 477 McLaws Circle, Williamsburg, responded to a question raised by Mr. Ptasznik, by explaining that stormwater swales will direct water from the parking lot to the stormwater basin in the rear of the building.

**Mr. Simasek** inquired about the target dates for construction. **Mr. Franck** said a successful fund raising effort would determine when the design and construction could take place. He added that operation of the shelter would continue during construction of the new facility.

**Mr. Harvell** said he had visited the shelter and was impressed with its management, cleanliness, and commitment of the staff and caregivers.

**Mr. William C. Wilkins**, 433 Waller Mill Road, lives across the street from the animal shelter and he talked about the history of the site and stated that in the 1940's to the 1960's it was the location of a firefighting school during which barrels of oil were dumped into a pit or loaded onto a tower and set afire. Hundreds of barrels of oil, some of them leaking, were also stored on the ground where the animal shelter now sits. Mr. Wilkins said clay was laid and compacted on top of the soil before the animal shelter was constructed. He raised the question of whether the proposed construction might disturb the buried oil.

**Mr. Wilkins** was also concerned that the proposed construction would run a drain line across Waller Mill Road to a ravine on his side and, while protecting the Waller Mill Reservoir, would ultimately pollute the Chesapeake Bay.

**Mr. Wilkins** suggested that enlarging the Humane Society facilities would further decrease his property value and that a more suitable location would be next to the juvenile detention center on Route 143.

**Chair Simasek** closed the public hearing, seeing no others who wished to speak.

**Mr. Barnett** addressed Mr. Davis's earlier comment about adding a reversion clause in the event that the site ceases being used for the shelter. Mr. Barnett said property cannot be rezoned with a stated time limit but, theoretically, the owner could voluntarily proffer conditional zoning imposing those kinds of limitations as an inducement for rezoning.

**Mr. Hamilton** asked if the City of Williamsburg might apply to rezone all or part of its adjacent property. Mr. Cross responded they could apply to rezone but that would not be the normal pattern. A more likely scenario would be for the City to increase the watershed.

**Mr. Simasek** asked if the Colonial Williamsburg Foundation was notified of the pending application. Mr. Cross confirmed that it was and CW called to get clarification, and then had no objection.

**Mr. Ptasznik** asked if the City of Williamsburg commonly seeks out parcels in the area to expand the watershed so that it can use other properties for other needs, and Mr. Cross said that is a pattern and the City has purchased lots in an industrial park in order to prevent them from being developed. Upon hearing that, Mr. Ptasznik did not think the City's adjacent property would revert to any other use. He therefore supported a recommendation of approval.

**Mr. Barba** agreed and added that the Heritage Humane Society provides a great public service. He then moved adoption of Resolution PC93-15 to recommend approval of the rezoning request.

PC03-15

On motion of Mr. Barba, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO  
REZONE APPROXIMATELY 4.2 ACRES ON WALLER MILL ROAD (ROUTE 713)  
FROM RC (RESOURCE CONSERVATION) TO RR (RURAL RESIDENTIAL)

WHEREAS, the City of Williamsburg and the Heritage Humane Society have submitted Application No. ZM-75-03 to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) approximately 4.2 acres of land located along Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of July, 2003, that Application No. ZM-75-03 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) approximately 4.2 acres of land located along Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603), further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 and more fully described and identified as follows:

Beginning at a point at the intersection of the southwest corner of the property belonging to the City of Williamsburg and the right-of-way of Route 713, thence traveling along said right-of-way in a southwest direction a distance of 100.01' to a point, thence N 45° 43' 43" W a distance of 371.33' to a point, thence N 39° 49' 58" E a distance of 438.33' to a point, thence S 61° 52' 01" E a distance of 327.52' to a point on said right-of-way of Route 713, thence along said right-of-way in a southwest direction a distance of 442.29' to the point of beginning, being all that property owned by the City of Williamsburg, GPIN# D16D-4258-0831, recorded in the Clerk's Office of York County in Deed Book 694 at page 232, and a portion of the property owned by the City of Williamsburg, GPIN# D17D-4411-0443.

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**Mr. Barba** moved to adopt Resolution PC03-16, recommending use permit approval.

PC03-16

On motion of Mr. Barba, which carried 7:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A MAJOR EXPANSION OF AN ANIMAL SHELTER LOCATED AT  
430 WALLER MILL ROAD (ROUTE 713)**

WHEREAS, the City of Williamsburg and the Heritage Humane Society have submitted Application No. UP-620-03, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, which seeks to expand an animal shelter by constructing a 14,000 square foot building to replace an existing 2,720-square foot building on property located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4; and

WHEREAS, the proposed expansion exceeds 25% and therefore constitutes a major expansion of a legally conforming special use, pending the approval of Application No. ZM-75-03; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of July, 2003, that Application No. UP-620-03 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a major expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603), further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 and more fully described and identified as follows:

Beginning at a point at the intersection of the southwest corner of the property belonging to the City of Williamsburg and the right-of-way of Route 713, thence traveling along said right-of-way in a southwest direction a distance of 100.01' to a point, thence N 45° 43' 43" W a distance of 371.33' to a point, thence N 39° 49' 58" E a distance of 438.33' to a point, thence S 61° 52' 01" E a distance of 327.52' to a point on said right-of-way of Route 713, thence along said right-of-way in a southwest direction a distance of 442.29' to the point of beginning, being all that property owned by the City of Williamsburg, GPIN# D16D-4258-0831, recorded in the Clerk's Office of York County in Deed Book 694 at page 232, and a portion of the property owned by the City of Williamsburg, GPIN# D17D-4411-0443.

BE IT FURTHER RESOLVED that the Commission recommends that approval of this application be subject to the following conditions:

1. This approval shall authorize the expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4. Said expansion shall consist of the construction of a new 14,000-square foot building with associated off-street parking to replace an existing 2,720-square foot building on the referenced property.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the Conceptual Plan titled "Heritage Humane Society Animal Shelter," prepared by VHB, Inc. and dated April 1, 2003, except as modified herein. This shall not be construed to prohibit non-material and insignificant modifications, shifts in location, or slight changes in shape or configuration.
3. Except as necessary to (a) reconstruct the entrance to the site, (b) install an identification sign, and (c) open limited sight lines for the sign, no clearing shall occur within the required 20-foot front landscape yard along the street right-of-way for Waller Mill Road (in the area labeled "Undisturbed Woodland" on the reference conceptual plan). The landscape yard shall be left in an undisturbed natural state, shall be supplemented as necessary with additional plantings, consisting of a mix of deciduous and evergreen trees and shrubs, as depicted on the reference concept plan.
4. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Waller Mill Road and adjacent properties and shall incorporate the use of full cut-off luminaires.
5. A minimum of 32 off-street parking spaces shall be provided as part of the first construction phase – consisting of approximately 11,000 square feet of gross floor area exclusive of the accessory Spayth Building – of the expansion. Prior to the commencement of the second construction phase, the applicant shall submit to the Zoning Administrator a site-specific parking study to determine if the 32 parking spaces will be sufficient to accommodate the anticipated parking demand associated with animal shelter at full development (i.e., 14,000 square feet of gross floor area exclusive of the accessory Spayth Building). Based on his review of the study, the Zoning Administrator shall determine if additional parking is needed and, if so, shall require additional spaces to be provided as a condition of approval for the second construction phase.
6. Development of the subject parcel shall be in accordance with the requirements of the Watershed Management and Protection Area overlay district contained in Section 24.1-376 of the Zoning Ordinance. Accordingly, the above-referenced site plan shall be accompanied by an

impact study prepared in accordance with the requirements set forth in Section 24.1-376(f) of the Zoning Ordinance.

7. All animals shall be kept within a completely enclosed building in pens or other enclosures designed and maintained for secure confinement, provided, however, that the shelter may provide an outdoor "court hold area" for the sole purpose of keeping animals that are being held pending the outcome of a court case and require confinement in a secure facility separate from the other animals. Said "court hold area" shall be enclosed with fencing or walls and shall be located to the rear of the shelter in the general location depicted on the conceptual plan.
8. The new building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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**Mr. Simasek** asked the staff to make sure that Mr. Wilkins' concerns are addressed during the site plan review.

**Application No. ZM-76-03, Tidewater Physicians Multispecialty Group:** Request to amend the York County Zoning Map by reclassifying from R20 (Medium-density single-family residential) to conditional LB (Limited Business) approximately 24,408 square feet of land located in the northwest quadrant of Hampton Highway (Route 134) and Mill Crossing (Route 1750) at 101 Mill Crossing and further identified as Assessor's Parcel No. 37-29-2-4. The applicant has voluntarily proffered to limit use of the property to professional offices. The Comprehensive Plan designates this area for Medium-Density Residential development.

**Ms. Amy Parker** presented an overview of the application and summarized the staff memorandum to the Commission dated June 30, 2003. The staff recommendation of denial, she explained, is based on staff's position that approval would create spot zoning on the site as the requested rezoning is not consistent with the Comprehensive Plan and commercial use is not warranted on a parcel surrounded by residential uses and zoning districts. Additionally, the rezoning would impose buffer requirements on adjacent properties. However, should the Commission recommend approval, Resolution No. 03-17 was included for the Commission's consideration.

**Mr. Heavner** inquired as to who would determine ingress and egress to the site, and Ms. Parker stated that site access is determined and approved by the County and the Virginia Department of Transportation during site plan review.

**Mr. Davis** asked about the County's original purpose for the plot. Ms. Parker explained that it was always zoned residential since the 1950's and that the parcel was part of a large piece subdivided for residential development in the 1970's.

**Mr. Harvell** commented that during his site visit he noticed signage on the parcel advertised “commercial” property and the sign appeared to be oversized. He also inquired if the height of the grass was a zoning violation. Ms. Parker said the Zoning and Code Enforcement staff is aware of the potential violations, and is looking into the matter.

**Chair Simasek** opened the public hearing.

**Mr. Paul W. Garman**, Mid-Atlantic Commercial, 1730 George Washington Memorial Highway, represented the applicant. Mr. Garman said the applicant has family practice medical offices in York County on Cook Road and at Washington Square shopping center on Route 17, and is interested in opening a satellite office in lower York County or Poquoson to enable the practice to accept new patients and expand. An ideal location, according to Mr. Garman, would be on Route 134 or on Victory Boulevard near Wythe Creek Road in Poquoson. He proceeded to introduce two principals of the practice, Dr. Carl Lindeman and Administrator David Warren. The proposed site is an ideal location, Mr. Garman continued, and priced within the applicant’s budget limitations.

**Mr. Garman** addressed the staff position that approving the application would be spot zoning stating that doctors’ offices are zoned the same as hospitals in the Zoning Ordinance matrix, and staff had suggested that the applicants wait until the next Comprehensive Plan review for an opportunity to consider a zoning reclassification. He noted the major reasons the applicants do not want to wait were that the site may not still be on the market and they need to expand immediately to better serve their patients.

**Mr. Garman** said the neighborhood meetings the applicants had conducted attracted few residents and they have heard few complaints. A property owner to the east of the proposed location who has a sales contract on his lot expressed a fear that the contract would fall through if the application is approved. Others have said they have no objection, among them Mr. Howard to the north and the pastor of a church to the south. The nearby communities off Route 134 contain multi-family housing and should be ideal for senior housing, Mr. Garman said, adding the applicant is a good neighbor and a medical family practice should have less impact to the surrounding neighborhoods than some other potential uses.

**Mr. Garman** stated his belief that rezoning the property to LB would allow the highest and best use of the land, comply with the spirit of the Comprehensive Plan, have a beneficial impact that ranges beyond the property, and provide closer access for patients who live in the area. Mr. Garman implored the County to keep “this valuable institution in the County and not send it to Poquoson.”

In conclusion, Mr. Garman submitted a letter to Dr. Lindeman from **Mr. Glenn Corey**, 203 Blacksmith Arch, dated July 9, 2003, in which Mr. Corey supported the rezoning because of the convenient location to his home and because he was opposed to having “another gas station, fast food restaurant, bar, etc. at that location.” [Letter attached to and made part of the minutes of record.]

**Mr. Ptasznik** suggested other parcels in the Big Bethel Road area that might be ideal for the type of facility in question. Mr. Garman said their prices are much higher than the subject parcel.

Discussion continued about possible other locations in the southern end of the County, some of which the applicant had considered and generally found priced outside the limits of its budget.



**Mr. Barba** complimented Mr. Garman on his presentation and said he liked the idea of having the doctors locate in that part of the County. However, he considered approval would lead to spot zoning which he could not support.

**Mr. Hamilton** agreed.

**Mr. Lee Whalen**, 513 Charles Road, said he is the former owner of the northern adjacent lot, which he offered to sell to the applicant. A sales price could not be agreed upon so Mr. Whalen sold it to a builder who plans to build a home for resale on the lot. He said it surprised him that the applicant could submit an application the approval of which would place buffer restrictions on the adjacent property.

**Mr. Whalen** said the County had denied a proposal for a day care center on the property in the past because it was not a residential use, and he did not think anything of a commercial nature would be approved for the site.

**Ms. Nancy H. Williams**, 200 Cook Road, lives diagonally across the street from the applicant's offices on Cook Road and she said the practice does not generate traffic problems or any type problems in the neighborhood.

**Mr. Dennis Joyner**, 7 Quail Cove, Poquoson, purchased the northern adjacent property from Mr. Whalen. He said he has a development plan for a single-family residence for the site and would not want a commercial operation next door. However, if the subject application is granted he would want to get his parcel rezoned the same way to increase its value.

**Chair Simasek** closed the public hearing.

**Mr. Heavner** said the applicant did not present a site plan that considered all the variables that could stand in the way of a successful application. He did not believe the project could work without additional land and he could not support it without additional property.

**Mr. Ptasznik** thought medical facilities would lend themselves well to a location in this type of residential area since they are a low-impact use. He noted the Comprehensive Plan envisions the property continuing as residential use and that commercial sites are available on Route 134 near Big Bethel Road. He expressed particular concern about how this use would affect the adjoining property without the prior knowledge or consent of its owner. Had the proposal been for both of the adjoining properties, Mr. Ptasznik felt it would have been more reasonable to consider, but he did not think the application as presented warranted a deviation from the Comprehensive Plan.

**Mr. Davis** said the existing zoning is not compatible with the proposed use and the use could have some negative effects on the adjoining neighborhood. He did not think the property should be rezoned for at this time but it might be appropriate to review the zoning status at a future time.

**Mr. Simasek** agreed with the other arguments and added that he favors mixed use but not in this case because of proximity of residences, infringement on other lots and the size of the lot.

**Mr. Harvell** moved Resolution No. PC03-17, which was defeated unanimously, 0:7.

**Application No. UP-619-03, Daniel and Lorinda Forrest:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 2, number 8) of the York County Zoning Ordinance, to authorize the commercial use of an existing stable located at 516 Yorktown Road. The 16-acre parcel is located on the south side of Yorktown Road (Route 706), approximately one half mile east of its intersection with Hampton Highway (Route 134) and is further identified as Assessor's Parcel No. 30-181. The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

**Ms. Maggie Hedberg** presented the summary of the staff memorandum to the Commission dated July 1, 2003, in which the staff recommended conditional approval by adopting proposed Resolution PC02-18.

**Mr. Ptasznik** inquired as to whether the applicants are allowed to keep their own horses on the property. Mr. Carter said the use permit application addresses commercial stables and approval would in no way prevent the applicants from stabling their own horses.

**Mr. Heavner** inquired about signage, and Ms. Hedberg said signs would be authorized according to the terms of the Zoning Ordinance, no greater in size than 12 square feet or six feet in height.

**Mr. Harvell** said he had visited the site and found it to be very neat and clean, with healthy-looking and well-groomed animals.

**Mr. Simasek** opened the public hearing.

**Mr. Daniel Forrest and Ms. Lorinda Forrest**, 125 River Road, Poquoson, spoke in behalf of their application. They want to board at least seven horses. Mr. Forrest said his family has a long history of boarding and stabling animals on the property and he would like to keep the custom alive. There are trails and wooded areas on the property and one residence directly next to the property. The neighboring residents and strangers who pass by have been complimentary of the operation, and Mr. Forrest did not recall ever receiving any complaints. His son lives on the property as caretaker and Mr. Forrest said he will continue in that role.

In response to a question Mr. Ptasznik raised about whether the point of a fence is within the property line, **Mr. Forrest** said he could not remember a time when that fence was not there and added that to his knowledge the property had never been surveyed. It has been in his family since pre-Civil War times.

**Mr. Barba** asked the number of horses presently stabled at the site and Mr. Forrest said there are presently four horses and a goat.

**Mr. Terry Stadheim**, 114 Tabb Lane, has lived next to the Forrest property since 1975, having moved there because of the rural setting and the animals. His family has had no negative impacts living there and he recommended approval because he wants the operation to continue.

**Chair Simasek** closed the public hearing.

Mr. Ptasznik believed the stables were a good use of the land and hoped the area could remain rural. He moved the adoption of Resolution PC02-18.

PC03-18

On motion of **Mr. Ptasznik**, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A COMMERCIAL STABLE ON PROPERTY LOCATED AT 516  
YORKTOWN ROAD (ROUTE 706)

WHEREAS, Daniel W. and Lorinda D. Forrest have submitted Application No. UP-619-03 to request a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 8) of the York County Zoning Ordinance, to authorize a commercial use of an existing stable on approximately 16 acres located on the south side of Yorktown Road (Route 706), approximately one half mile east of its intersection with Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 30-181; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of July, 2003, that it does hereby transmit Application No. UP-619-03 to the York County Board of Supervisors with a recommendation of approval subject to the following conditions:

1. This Special Use Permit shall authorize commercial use of an existing stable located at 516 Yorktown Road on approximately 16 acres of property on the south side of Yorktown Road (Route 706), approximately one half mile east of its intersection with Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 30-181.
2. All activities shall comply with Section 24.1-414, Standards for Horsekeeping and Commercial Stables of the York County Zoning Ordinance and Chapter 4, Article II, Livestock, of the York County Code.
3. The commercial stable shall be limited to boarding a maximum of seven (7) horses.
4. The applicant shall provide a minimum of four (4) off-street parking spaces in conjunction with the commercial stable operation.
5. The applicant shall provide the County with a soil conservation and management plan prepared by the Colonial Soil and Water Conservation District which shall include:

- a. a nutrient management plan for the proper storage and application of animal waste;
  - b. an erosion control plan to ensure the integrity of the slopes; and
  - c. a best management practices program for controlling and treating surface runoff.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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**Application No. ZT-77-03, York County Planning Commission:** Request to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to incorporate changes made necessary by revisions in the Code of Virginia. Specifically, the application proposes amendment of: Section 24.1-802 dealing with the replacement of nonconforming mobile/manufactured housing units; Section 24.1-709 dealing with the requirements and timeframe for removal of abandoned nonconforming signs; and, Section 24.1-109 to revise the maximum limits for civil penalties for violations of the Zoning Ordinance.

**Mr. Mark Carter** introduced the application, summarizing the memorandum to the Commission dated June 30, 2003. He requested a recommendation to approve three text amendments by adopting proposed Resolution PC03-19. Board approval would bring the Zoning Ordinance (Chapter 24.1, York County Code) into conformance with the recently amended Code of Virginia.

**Mr. Hamilton** asked when the two-year cycle begins for considering a sign “abandoned” (Zoning Ordinance Sec. 24.1-709). Mr. Carter responded the cycle begins the date the business ceases to operate at a particular location.

**Mr. Carter** explained the cumulative nature of the civil penalties that could accrue under Sec. 24.1-109. Civil penalties have been in effect since the mid-1980’s, he added.

**Chair Simasek** opened the public hearing. There being no one to speak, he closed the public hearing.

**Mr. Ptasznik** moved adoption of Resolution PC03-19.

PC03-19

On motion of **Mr. Ptasznik**, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO ZT-77-03 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO INCORPORATE CHANGES MADE NECESSARY BY RECENT AMENDMENTS TO THE CODE OF VIRGINIA

WHEREAS, by action of the 2003 General Assembly, certain sections of the Code of Virginia pertaining to zoning regulations were amended and create a need to consider corresponding amendments to the York County Zoning Ordinance; and

WHEREAS, the Planning Commission has sponsored this application after determining that public necessity and good zoning practice require that appropriate amendments be considered to incorporate these changes; and

WHEREAS, the application has been considered by the Planning Commission subsequent to conducting a duly advertised public hearing.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of July, 2003 that it does hereby recommend approval of Application No. ZT-77-03 to amend various sections of Chapter 24.1, Zoning, of the York County Code, as follows:

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**Sec. 24.1-109. Administration, enforcement, and penalties.**

- (a) The zoning administrator or designated agent is hereby authorized, on behalf of the board, to administer and enforce this chapter. Such authority shall include the ability to make official interpretations of this chapter and the zoning maps as described in section 24.1-110 and to order, in writing, the remedy of any condition found in violation of this chapter, and the ability to bring legal action to ensure compliance with its provisions, including injunction, abatement, or other appropriate action or proceeding.
- (b) All departments, officials and employees of the county which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are consistent with the provisions of this chapter. Any such permits, if issued in conflict with the provisions of this article, shall be null and void.
- (c) *Penalties.* Violating, causing, or permitting the violation of, or otherwise disregarding any of the provisions of this chapter by any person, firm or corporation, whether as principal, agent, owner, lessee, employee or other similar position shall be unlawful and is subject to the following:
  - (1) Criminal sanctions. Upon conviction, any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court may order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding thirty (30) day period shall constitute a separate misdemeanor offense for each thirty (30) day period punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). (Ord. No. O97-18, 6/4/97)

- (2) *Injunctive relief.* Any violation or attempted violation of this chapter may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings for relief.
- (3) *Civil fines:*
  - a. Any person summoned or issued a ticket for a violation of this chapter listed in subsection (b) below may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established in this section for the offense charged, in lieu of criminal sanctions. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.
  - b. A civil penalty is hereby established for a violation of any offense listed below in the amount of one hundred dollars (\$100.00) for any one (1) violation for the initial summons and two hundred fifty (\$250.00) for each additional summons:
    - 1. Constructing, placing, erecting, installing or maintaining an accessory structure in violation of section 24.1-270 et seq.
    - 2. Constructing, placing, erecting or displaying a sign in violation of section 24.1-700 et seq.
    - 3. Erecting, altering, or changing use or occupancy of any building, structure, or premises without first obtaining a zoning certificate or certificate of zoning compliance in violation of section 24.1-107.
    - 4. Failure to perpetuate and maintain all landscaping, screening, and fencing materials required by this chapter in violation of section 24.1-242.
    - 5. Operating, conducting or maintaining a home occupation in violation of Article II – Division 8, Home Occupations.
    - 6. Occupying, or permitting to be occupied, a single-family dwelling by more than four (4) unrelated individuals in violation of the definition of Family in section 24.1-104.
    - 7. Failure to observe the requirements for keeping sight triangles, as described in section 24.1-220(b), free of obstructions.

- c. Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten (10) day period and in no event shall a series of such violations result in civil penalties which exceed a total of more than five thousand dollars (\$5,000.00).
- d. No provisions herein shall be construed to allow the imposition of civil penalties for:
  - 1. enforcement of the Uniform Statewide Building Code;
  - 2. activities related to land development;
  - 3. violations of the erosion and sediment control ordinance;
  - 4. violations relating to the posting of signs on public property or public rights-of-way; or
  - 5. violations resulting in injury to any person or persons.

(Ord. No. O97-18, 6/4/97)(Ord. No. O98-18, 10/7/98)

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#### **Sec. 24.1-709. Abandoned signs.**

A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. In the event a nonconforming sign refers to a business that has not been in operation for a period of at least two (2) years, such sign shall be considered abandoned and shall be considered to be in violation of this chapter. After reasonable efforts to provide notice to the property owner of the need to remove the violation, and failure of the property owner to do so, the zoning administrator may cause the abandoned sign to be removed at the owner's expense.

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#### **Sec. 24.1-802. Nonconforming structures.**

- (a) *Enlargement or alteration.* No structure which is nonconforming by reason of a conflict with the setback, yard, height or similar regulations of the district in which located may be enlarged, extended, reconstructed, structurally altered or moved in any way which increases its nonconformance with the applicable setback, yard, height or similar regulations of the district in which located. Except as may be provided in article II relative to front yards in built-up areas, any addition to nonconforming structures shall comply in all respects with the applicable setback, yard, height or similar regulations of the district in which located.
- (b) *Damage or destruction.* A nonconforming structure which is damaged or destroyed by a cause beyond the control of the owner may be reconstructed at the location of its original foundation, or at a location on the lot which is conforming or more nearly conforming provided that such

reconstruction occurs within two (2) years of such damage or destruction and provided that a site plan submitted in accordance with article V of this chapter is approved. Should such reconstruction not occur within two (2) years, or in the event the damage or destruction, regardless of its extent, was initiated or caused by the owner of the structure, such structure may be reconstructed only in full accordance with the provisions of this chapter.

- (c) *Special provisions for manufactured housing units.* Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code, provided that the degree of nonconformity with any yard or setback requirements applicable to the district in which located does not increase. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. If the nonconforming mobile or manufactured home is located on a property not within a mobile home park, it may be replaced with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code and provided that any nonconformity with yard or setback requirements does not increase. Such replacement unit shall retain the valid nonconforming status of the home.

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**Application No. ST-10-03, York County Planning Commission:** Request to amend the York County Subdivision Ordinance (Chapter 20.5, York Code) to incorporate into Sections 20.5-28, 20.5-29 and 20.5-30 a requirement for the review of subdivision plans/plats *resubmissions* to be processed and acted on within 45 days, and not 60 days as under current law. These revisions are necessary to conform to changes in the Code of Virginia.

**Mr. Mark Carter** presented a summary of the staff memorandum to the Commission dated June 30, 2003, noting the staff recommendation of approval in order to bring the Subdivision Ordinance (Chapter 20.5, York County Code), into conformance with the recently revised Code of Virginia.

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**Mr. Ptasznik** moved to adopt Resolution PC03-20.

PC03-20

On motion of Mr. Ptasznik, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ST-10-03 TO AMEND THE YORK COUNTY SUBDIVISION ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE) TO INCORPORATE CHANGES MADE NECESSARY BY RECENT AMENDMENTS TO THE CODE OF VIRGINIA



WHEREAS, by action of the 2003 General Assembly, certain sections of the Code of Virginia pertaining to subdivision regulations were amended and create a need to consider corresponding amendments to the York County Subdivision Ordinance; and

WHEREAS, the Planning Commission has sponsored this application after determining that public necessity and good zoning practice require that appropriate amendments be considered to incorporate these changes; and

WHEREAS, the application has been considered by the Planning Commission subsequent to conducting a duly advertised public hearing.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of July, 2003 that it does hereby recommend approval of Application No. ST-10-03 to amend Chapter 20.5, Subdivisions, of the York County Code, as follows:

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**Sec. 20.5-28. Preliminary plan.**

Any person desiring to subdivide land shall, unless exempted under the provisions of section 20.5-27, prepare and submit ten (10) copies of a preliminary plan to the agent together with a completed application and the appropriate fee.

- (a) *Initial review by agent.* Upon the submission of a preliminary plan together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article III of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.
- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposal with all applicable requirements of this chapter and other applicable ordinances, requirements, and regulations.
  - (1) The agent may transmit copies of the preliminary plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
  - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the preliminary plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a preliminary plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information that is required to secure final approval of the preliminary plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy and identifying such modifications or corrections as will permit approval of the plan.
- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit, without additional fee, ten (10) copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.

(c) *Effect of approval.*

- (1) Approval of the preliminary plan shall not constitute a guarantee of approval of either the development plan or the final plat.
- (2) Approval of the preliminary plan shall constitute authorization for the subdivider to proceed with the preparation of development plans in accordance with the provisions of this chapter and the layout and design depicted on the approved preliminary plan.

(d) *Term of validity.*

The subdivider shall have one (1) year from the date of official notification of approval of the preliminary plan within which to file a development plan meeting all of the submittal requirements established in article IV of this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) six-month extension of preliminary plan approval.

**Sec. 20.5-29. Development plan.**

The subdivider shall, unless otherwise provided by section 20.5-27 of this chapter, after receiving approval of the preliminary plan and within the time specified in section 20.5-28(d), submit ten (10) copies of a development plan for the subdivision or section thereof prepared in accordance with article IV of this chapter to the agent together with the appropriate application and fee.

- (a) *Initial review by agent.* Upon the submission of a development plan together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article IV of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.
- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposed design elements and physical improvements with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

- (1) The agent shall transmit copies of the development plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
- (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the development plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a development plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the comments or approvals of such state agency or agencies shall be provided within thirty-five (35) days of their receipt by the agent.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the development plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and an identification of such modifications or corrections as will permit approval of the plan.
  - (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit, without additional fee, ten (10) copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original.
- (c) *Effect of approval.*

- (1) Approval of the development plan shall constitute authorization for the subdivider to proceed with the preparation of final plats for those sections of the subdivision contained in the approved development plan in accordance with the provisions of article V of this chapter.
- (2) Approval of the development plan shall, upon issuance of all necessary permits including, but not limited to, land disturbing permits and utility certificates to construct, constitute authority to commence development and construction activities which are in accordance with the approved development plan but only within such section or sections which have received approval. Nothing in this provision however, shall be interpreted to authorize the construction of any structure on any proposed lot other than such structures which are appurtenant to utility installations.
- (d) *Term of validity.* The subdivider shall have one (1) year from the date of official notification of approval of the development plan within which to file a final plat for those sections contained in said plan meeting all of the submittal requirements established in article V of this chapter. Failure to do so shall make the development plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) one-year extension of development plan approval.

#### **Sec. 20.5-30. Final plat.**

The subdivider shall, unless otherwise prescribed in section 20.5-27 of this chapter, after approval of the development plan and within the time specified in section 20.5-29(d), submit eight (8) copies of the final plat for those sections contained on the approved development plan to the agent for review and approval. The final plat shall be prepared in accordance with article V of this chapter and shall be submitted together with the applicable application and fee. The agent may, upon written request and for good cause shown, accept for review final plats before approval has been granted to development plans, however approval of a final plat requires that it fully conform with the approved development plan, if such a plan is required.

- (a) *Initial review by agent.* Upon the submission of a final plat together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plat to ensure compliance with all submission requirements established by article V of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plat and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.
- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the plat with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

- (1) The agent shall transmit copies of the final plat to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
  - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the final plat by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a final plat which has been previously disapproved, the response shall be provided within forty-five (45) days.
  - (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the plat and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and identifying such modifications or corrections as will permit approval of the plat.
  - (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the final plat prior to approval, the subdivider shall within sixty (60) days resubmit, without additional fee, eight (8) copies of the revised plat together with the original or a copy of any marked plats returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plat. The revised plat shall then be reviewed in the same manner and within the same time elements as was the original. The agent, for good cause shown, may grant an extension of the sixty (60) day time limitation, provided a written request is received from the subdivider no fewer than ten (10) working days prior to expiration of the term established herein.
- (c) *Effect of approval.* Approval of the final plat shall constitute authorization for the subdivider to proceed with the preparation of record plats depicting the information contained on the approved final plat.
- (d) *Term of validity.* The subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall be required to return the approved copy of the final plat to the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater.

## **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

Mr. Ptasznik noted that former Commissioner Ann White serves as Chair of the Virginia Citizens' Planning Association's annual awards program and is interested in learning of any citizen, young or old, who has made a significant contribution in terms of land planning.

## **STAFF REPORTS**

Mr. Carter reported on recent action by the Board of Supervisors. He said Planning staff expects an application for senior housing to be submitted in the very near future.

## **COMMITTEE REPORTS**

### Route 17 Improvement Committee

Mr. Barba reported on the progress being made by the Route 17 Improvement Committee, including a recent excursion to Fairfax County to see what is being done with existing and abandoned buildings on Route 1 (Richmond Highway). The committee is also studying the feasibility of rezonings, upgrades to buildings, or perhaps an overlay district. Mr. Ptasznik asked if the Committee is studying all of Route 17 or just some parts. Mr. Barba said the Committee is studying Route 17 in six sections running from the York County-Newport News boundary to Fort Eustis Boulevard.

Mr. Simasek encouraged the Committee to engage professional consultants for such a daunting but necessary undertaking.

Mr. Davis asked if the committee had considered [establishing a non-profit land conservancy for the purpose of acquiring properties along the corridor to prevent them from being developed](#). Mr. Barba said that is one of several things the committee is considering.

Mr. Ptasznik reported that he recently attended a meeting of County homeowners associations during which Mr. Jim Noel, Director of the Office of Economic Development, made a presentation and relayed that the County is considering purchasing some green space to prevent it from development.

### Regional Issues Committee

Mr. Simasek said the committee is meeting once a month. Its major study area is the Route 199 corridor. He said the committee is discussing shared buffer areas and guidelines for consistency in making recommendations to the respective governing bodies of the three jurisdictions.

## **FUTURE BUSINESS**

Mr. Carter noted applications to be placed on the agenda for future public hearings.

**ADJOURNMENT**

Chair Simasek called adjournment at 9:00 PM.

**SUBMITTED:** \_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:** \_\_\_\_\_  
Andrew A. Simasek, Chair

**DATE:** \_\_\_\_\_